



Billing Code 9111-97

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0111]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Petition for CNMI-Only Nonimmigrant Transition Worker and Semiannual Report for CW-1 Employers

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

USCIS made one change to the Form I-129CWR Instructions being submitted with this 30-day Federal Register Notice to correct a legal error. The first two rows of the table on page 1 identifying the CW-1 petition validity period and whether Form I-129CWR must be filed were updated to reflect the correct time ranges during which Form I-129CWR is and is not required.

USCIS made one change to the Form I-129CW Instructions being submitted with this 30-day Federal Register Notice to correct a legal error. The use of “children under 21” in the I-129CW instructions was corrected to “children under 18” to properly reflect the regulatory definition at 8 CFR 214.2(w)(1)(ix) that a minor child is a child as defined in section 101(b)(1) of the Immigration and Nationality Act, who is under 18 years of age.

DATES: Comments are encouraged and will be accepted until [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal Web site at <http://www.regulations.gov> under e-Docket ID number USCIS-2012-0011. All submissions received must include the OMB Control Number 1615-0111 in the body of the letter, the agency name and Docket ID USCIS-2012-0011.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (202) 272-8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at <http://www.uscis.gov>, or call the USCIS Contact Center at (800) 375-5283; TTY (800) 767-1833.

SUPPLEMENTARY INFORMATION:

Comments:

The information collection notice was previously published in the Federal Register on July 20, 2020, at 85 FR 43869, allowing for a 60-day public comment period. USCIS received two comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <http://www.regulations.gov> and enter USCIS-2012-0011 in the search box. The comments submitted to USCIS via this method

are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this Information Collection:

- (1) Type of Information Collection Request: Extension, Without Change, of a Currently Approved Collection.
- (2) Title of the Form/Collection: Petition for CNMI-Only Nonimmigrant Transition Worker and Semiannual Report for CW-1 Employers.
- (3) Agency form number, if any, and the applicable component of the DHS sponsoring the collection: I-129CW; I-129CWR; USCIS.
- (4) Affected public who will be asked or required to respond, as well as a brief abstract:
Primary: Business or other for-profit. USCIS uses the data collected on Form I-129CW to determine eligibility for the requested immigration benefits. An employer uses Form I-129CW to petition USCIS for an alien to temporarily enter as a nonimmigrant into the CNMI to perform services or labor as a CW-1 worker. An employer also uses Form I-129CW to request an extension of stay or change of status on behalf of the alien worker. The Form I-129CW serves the purpose of standardizing requests for these benefits and ensuring that the basic information required to determine eligibility is provided by the petitioners.

Form I-129CWR, Semiannual Report for CW-1 Employers, is used by employers to comply with the reporting requirements imposed by the Workforce Act. Form I-129CWR captures data USCIS requires to help verify the continuing employment and payment of the CW-1 worker. DHS may provide such semiannual reports to other federal partners, including the U.S. Department of Labor (DOL) for investigative or other use as DOL may deem appropriate. Congress expressly provided for these semiannual reports to be shared with DOL. 48 U.S.C. 1086(d)(3)(D)(ii).

- (5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: The estimated total number of respondents for the information collection Form I-129CW is 5,975 and the estimated hour burden per response is 4 hours; the estimated total number of respondents for the information collection Form I-129CWR is 5,975 and the estimated hour burden per response is 2.5 hours.
- (6) An estimate of the total public burden (in hours) associated with the collection: The total estimated annual hour burden associated with this collection is 38,838 hours.
- (7) An estimate of the total public burden (in cost) associated with the collection: The estimated total annual cost burden associated with this collection of information is \$3,809,062.50.

Dated: October 16, 2020

Samantha L Deshommes,

Chief,

Regulatory Coordination Division,

Office of Policy and Strategy,

U.S. Citizenship and Immigration Services,

Department of Homeland Security.

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